MONTANA LEGISLATIVE HISTORY

Chapter 476 19 99

Bill H 459 S _____ Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	2/11	✓ C	Hearing Date(s)	3/18	✓ C
	2/12	✓ C		3/25	✓ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	_____	___ C			

Did this bill originate in an interim committee? ___ Yes ✓ No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

RANGES; ESTABLISHING SHOOTING RANGE DEVELOPMENT GRANTS AND CRITERIA FOR GRANTS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE 1991

476 *(House Bill No. 459; R. Clark)* PROVIDING THAT A RESIDENT OF ANOTHER STATE WHO HAS BEEN ISSUED A CONCEALED WEAPON PERMIT BY THAT STATE MAY CARRY A CONCEALED WEAPQN IN THIS STATE; ELIMINATING THE AUTHORITY OF THE GOVERNOR TO NEGOTIATE CONCEALED WEAPON PERMIT RECIPROCITY AGREEMENTS; AND AMENDING SECTIONS 45-8-317 AND 45-8-329, MCA 1993

477 *(House Bill No. 512; Soft)* REVISING THE MANDATORY INSURANCE BENEFIT FOR CHEMICAL DEPENDENCY BY CHANGING THE INPATIENT, OUTPATIENT, AND LIFETIME BENEFITS; EXCLUDING MEDICAL DETOXIFICATION FROM THE BENEFITS; FURTHER DEFINING INPATIENT BENEFITS; AMENDING SECTIONS 33-22-703 AND 33-22-705, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE . . . 1995

478 *(House Bill No. 515; Grinde)* PROVIDING FOR AN INTERIM STUDY OF THE EFFECTS OF COMPETITION BY STATE POLITICAL SUBDIVISIONS WITH THE PRIVATE SECTOR; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 1998

479 *(House Bill No. 530; McGee)* REVISING CERTAIN LAWS RELATING TO ABORTION TO REMOVE OR CLARIFY CERTAIN PROVISIONS DECLARED INVALID BY THE JUDICIARY; REMOVING RESTRICTIONS ON THE PLACE OF PERFORMING AN ABORTION AND ADVERTISING; REVISING THE DEFINITION OF "PARTIAL-BIRTH ABORTION"; AND AMENDING SECTIONS 50-20-102, 50-20-109, AND 50-20-401, MCA 1999

480 *(House Bill No. 557; Ewer)* CLARIFYING THE DISCLOSURE OF HEALTH CARE INFORMATION RELATED TO A WORKERS' COMPENSATION CLAIM; AMENDING SECTION 50-16-527, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 2001

481 *(House Bill No. 593; Harper)* PROVIDING FOR CONFIDENTIALITY IN MEDIATION PROCEEDINGS; CREATING A MEDIATION PRIVILEGE FOR MEDIATORS AND PARTIES TO MEDIATION; AMENDING SECTIONS 40-4-303 AND 41-3-404, MCA; AND REPEALING SECTION 26-1-811, MCA 2002

482 *(House Bill No. 607; Soft)* REGULATING HEALTH CARRIERS AND MANAGED CARE ENTITIES; PROVIDING THAT HEALTH CARRIERS AND MANAGED CARE ENTITIES ARE RESPONSIBLE FOR HEALTH CARE TREATMENT DECISIONS; PROVIDING FOR INDEPENDENT REVIEW OF HEALTH CARE TREATMENT DECISIONS; PROHIBITING CERTAIN INDEMNIFICATION CLAUSES IN PROVIDER CONTRACTS; PROHIBITING EARLY TERMINATION OF PROVIDER CONTRACTS WITHOUT JUST CAUSE; AND PROVIDING APPLICABILITY PROVISIONS 2004

483 *(House Bill No. 614; Wagner)* PROVIDING LANDLORDS WITH A METHOD OF DISPOSING OF ABANDONED MOBILE HOMES AFTER GIVING NOTICE TO THE OWNER AND LIENHOLDER; AND PROVIDING AN EFFECTIVE DATE 2007

484 *(House Bill No. 616; Lindeen)* PROVIDING FOR THE RECEIPT OF PUBLIC COMMENT BY ELECTRONIC MAIL; REQUIRING AGENCIES USING ELECTRONIC MAIL TO DISSEMINATE AN ELECTRONIC MAIL ADDRESS TO WHICH PUBLIC COMMENT MAY BE MADE; REQUIRING AGENCIES CREATING OR RECEIVING

2/01	Fiscal Note Requested		
2/06	Fiscal Note Received		
2/09	Fiscal Note Printed		
2/09	Hearing		
2/11	Tabled in Committee		
3/01	Missed Deadline for General Bill Transmittal		

HB 458 Introduced by Ohs, et al. *LC0906 Drafter: K. Williams*

Add Assistance with Interagency Coordination to the Water Policy Duties of the Environmental Quality Council;...

2/01	Introduced and 1st Reading		
2/01	Referred to Natural Resources		
2/05	Hearing		
2/16	Committee Executive Action--Bill Passed as Amended	16	4
2/16	Committee Report--Bill Passed as Amended		
2/18	2nd Reading Passed	92	1
2/19	3rd Reading Passed	97	2
	Transmitted to Senate		
2/22	Referred to Natural Resources		
3/15	Hearing		
3/27	Committee Executive Action--Bill Concurred	11	0
3/27	Committee Report--Bill Concurred		
3/29	2nd Reading Concurred	49	0
3/30	3rd Reading Concurred	50	0
	Returned to House		
3/31	Sent to Enrolling		
3/31	Returned from Enrolling		
3/31	Signed by Speaker		
3/31	Signed by President		
4/01	Transmitted to Governor		
4/08	Signed by Governor		
4/10	Chapter Number Assigned		
	Chapter Number 275		
	Effective Date: 10/01/1999 - All Sections		

HB 459 Introduced by R. Clark, et al. *LC0795 Drafter: MacMaster*

Provide That a Resident of Another State Who Has Been Issued a Concealed Weapon Permit by That State May Carry a Concealed Weapon in this State;...

2/01	Introduced and 1st Reading		
2/01	Referred to Judiciary		
2/11	Hearing		
2/12	Committee Executive Action--Bill Passed as Amended	19	1
2/12	Committee Report--Bill Passed as Amended		
2/16	2nd Reading Passed	91	6
2/17	3rd Reading Passed	93	6
	Transmitted to Senate		
2/22	Referred to Judiciary		
3/18	Hearing		
3/26	Committee Executive Action--Bill Concurred as Amended	6	0
3/26	Committee Report--Bill Concurred as Amended		
3/27	2nd Reading Concurred	47	1

3/29	3rd Reading Concurred	46	1
	Returned to House with Amendments		
4/09	2nd Reading Senate Amendments Not Concurred	96	1
4/09	Conference Committee Appointed		
4/13	Hearing		
4/13	Conference Committee Report Received		
4/19	2nd Reading Conference Committee Report Adopted	93	6
4/20	3rd Reading Conference Committee Report Adopted	88	8
	Senate		
4/10	Conference Committee Appointed		
4/13	Conference Committee Report Received		
4/14	2nd Reading Conference Committee Report Adopted	50	0
4/15	3rd Reading Conference Committee Report Adopted	46	4
4/20	Sent to Enrolling		
4/21	Returned from Enrolling		
4/21	Signed by Speaker		
4/22	Signed by President		
4/23	Transmitted to Governor		
4/27	Signed by Governor		
4/29	Chapter Number Assigned		
	Chapter Number 476		
	Effective Date: 10/01/1999 - All Sections		

HB 460 Introduced by Anderson *LC0863 Drafter: Kurtz*

Require the Department of Transportation to Establish a Pilot Project for Contracting with the Private Sector to Perform Highway Maintenance in Certain Counties;...

12/03	Fiscal Note Needed		
2/01	Introduced and 1st Reading		
2/01	Referred to Transportation		
2/01	Fiscal Note Requested		
2/05	Fiscal Note Received		
2/08	Fiscal Note Signed		
2/09	Fiscal Note Printed		
2/15	Hearing		
3/01	Missed Deadline for General Bill Transmittal		

HB 461 Introduced by Simon *LC0727 Drafter: Maly*

Allow State Plumbing Board and State Electrical Board Compliance Officers to Issue Citations to and Collect Fines from Persons Who Fail to Display a Plumber's License or an Electrician's License at a Job Site;...

11/25	Fiscal Note Needed		
2/01	Introduced and 1st Reading		
2/01	Referred to Business and Labor		
2/04	Hearing		
2/04	Fiscal Note Requested		
2/05	Fiscal Note Received		
2/06	Fiscal Note Printed		
2/10	Committee Executive Action--Bill Passed as Amended	17	1
2/11	Committee Report--Bill Passed as Amended		
2/13	2nd Reading Passed	66	31

House BILL NO. 459

INTRODUCED BY R. Clark Wells (Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A RESIDENT OF ANOTHER STATE WHO HAS BEEN ISSUED A CONCEALED WEAPON PERMIT BY THAT STATE MAY CARRY A CONCEALED WEAPON IN THIS STATE; ELIMINATING THE AUTHORITY OF THE GOVERNOR TO NEGOTIATE CONCEALED WEAPON PERMIT RECIPROCITY AGREEMENTS; AMENDING SECTION 45-8-317, MCA; AND REPEALING SECTION 45-8-329, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-317, MCA, is amended to read:

"**45-8-317. Exceptions.** (1) Section 45-8-316 does not apply to:

(a) any peace officer of the state of Montana;

(b) any officer of the United States government authorized to carry a concealed weapon;

(c) a person in actual service as a member of the national ~~guardsman~~ guard;

(d) a person summoned to the aid of any of the persons named in subsections (1)(a) through (1)(c);

(e) a civil officer or the officer's deputy engaged in the discharge of official business;

(f) a probation and parole officer authorized to carry a firearm under 46-23-1002;

(g) (i) a person issued a permit under 45-8-321; or

(ii) a resident of another state who has been issued a concealed weapon permit by that state if that state performed a criminal records background check on the person before issuing the permit and if the person is carrying the permit and the permit has a photograph of the person or the person has other state-issued identification, such as a driver's license, that contains a photograph. A determination or declaration of any Montana government entity, official, or employee is not necessary to the existence and exercise of the right granted by this subsection. The person may not carry a concealed weapon in any place in which a person issued a concealed weapon permit under 45-8-321 is prohibited from carrying a concealed weapon.

(h) an agent of the department of justice or a criminal investigator in a county attorney's office;

(i) a person who is outside the official boundaries of a city or town or the confines of a logging, lumbering, mining, or railroad camp or who is lawfully engaged in hunting, fishing, trapping, camping, hiking, backpacking, farming, ranching, or other outdoor activity in which weapons are often carried for recreation or protection; or

(j) the carrying of arms on one's own premises or at one's home or place of business.

(2) Except with regard to a person issued a permit under 45-8-321, the provisions of 45-8-328 do not apply to this section."

NEW SECTION. **Section 2. Repealer.** Section 45-8-329, MCA, is repealed.

- END -

HOUSE

JUDICIARY

CHAIR: Clark, Robert

VICE CHAIR: McGee, Dan
Wyatt, Diana

MEMBERS:

Ahner, Chris
Anderson, Shiell
Clark, Paul
Curtiss, Aubyn
Eggers, Bill
Facey, Tom
Gallus, Steven
Gutsche, Gail
Hurdle, Joan
Jore, Rick
Kitzenberg, Sam
Molnar, Brad
Noennig, Mark
Shockley, Jim
Soft, Loren
Williams, Carol
Younkin, Cindy

SECRETARY: Schindler, Pam

LEGISLATIVE STAFF: MacMaster, John

HB 407 SPONSOR: Younkin, Cindy SHORT TITLE: Revise adjudication laws
REFERRED ON: 01/28/1999 HEARD ON: 02/02/1999
EXECUTIVE ACTION: 02/09/1999 Bill Passed as Amended -- VOTE: 20 - 0
FINAL DISPOSITION 04/22/1999 (S) Died in Standing Committee

HB 424 SPONSOR: Mangan, Jeff SHORT TITLE: Revise community corrections act
REFERRED ON: 01/29/1999 HEARD ON: 02/05/1999
TABLED ON: 02/08/1999
FINAL DISPOSITION 03/31/1999 (H) Missed Deadline for Revenue Bill Transmittal

HB 425 SPONSOR: Mangan, Jeff SHORT TITLE: Actions to abate drug and gang related nuisances
REFERRED ON: 01/29/1999 HEARD ON: 02/03/1999
TABLED ON: 02/08/1999
TABLED ON: 02/11/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

HB 426 SPONSOR: Jore, Rick SHORT TITLE: Revise state-tribal cooperative agreements
REFERRED ON: 01/29/1999 HEARD ON: 02/09/1999
TABLED ON: 02/11/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

HB 449 SPONSOR: Hurdle, Joan SHORT TITLE: Revise deviate sexual conduct law
REFERRED ON: 02/01/1999 HEARD ON: 02/05/1999
EXECUTIVE ACTION: 02/10/1999 Bill Passed -- VOTE: 10 - 9
FINAL DISPOSITION 02/20/1999 (H) 2nd Reading Pass as Amended Motion Failed; Vote: 37 - 63

HB 455 SPONSOR: Soft, Loren SHORT TITLE: Generally revise laws relating to adoption
REFERRED ON: 02/01/1999 HEARD ON: 02/08/1999
EXECUTIVE ACTION: 02/10/1999 Bill Passed -- VOTE: 16 - 4
FINAL DISPOSITION 04/07/1999 Chapter Number Assigned

HB 459 SPONSOR: Clark, Robert SHORT TITLE: Concealed weapon permit reciprocity with other states
REFERRED ON: 02/01/1999 HEARD ON: 02/11/1999
EXECUTIVE ACTION: 02/12/1999 Bill Passed as Amended -- VOTE: 19 - 1
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on February 11, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Chris Ahner (R)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 65, HB 459, 2/12/1999; HB 127, 426 and 213-tabled, 2/12/1999

Bruce Messinger, Helena Sup't of Schools
{Tape : 1; Side : B; Approx. Time Counter : 55 - 84}

Opponents:

Brian Judy, NRA
{Tape : 1; Side : B; Approx. Time Counter : 84 - 204}
EXHIBIT(5)
Gary Marbut, Montana Shooting Club Association
{Tape : 1; Side : B; Approx. Time Counter : 204 - 341}
Bud Elwell, Montana Firearms Collectors
{Tape : 1; Side : B; Approx. Time Counter : 341 - 373}

Informational Testimony:

None
Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 373 - 550}
{Tape : 2; Side : A; Approx. Time Counter : 0 - 550}
{Tape : 2; Side : B; Approx. Time Counter : 0 - 476}

Closing by Sponsor:

Senator Shea made closing statements.
{Tape : 2; Side : B; Approx. Time Counter : 476 - 550}
{Tape : 3; Side : A; Approx. Time Counter : 0 - 22}

EXHIBIT(6)juh34a05
EXHIBIT(7)

HEARING ON HB459

Sponsor:

Rep. R. Clark presented HB 459.
{Tape : 3; Side : A; Approx. Time Counter : 22 - 70}
EXHIBIT(8)

Proponents:

Gary Marbut, Montana Shooting Sports Association
{Tape : 3; Side : A; Approx. Time Counter : 70 - 238}
EXHIBIT(9)

Brian Judy, NRA

{Tape : 3; Side : A; Approx. Time Counter : 238 - 352}

Opponents:

None

Informational Testimony:

Jim Smith, Montana Sheriffs Association
{Tape : 3; Side : A; Approx. Time Counter : 352 - 370}

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 370 - 550}
{Tape : 3; Side : B; Approx. Time Counter : 0 - 16}

Closing by Sponsor:

Rep. R. Clark made closing statements.
{Tape : 3; Side : B; Approx. Time Counter : 16 - 110}

EXECUTIVE ACTION ON SB 213

Motion: REP. MCGEE moved that SB 213 DO PASS.
Motion: REP. MCGEE moved that SB 213-BE AMENDED; THEN WITHDREW HIS AMENDMENT MOTION.
Motion/Vote: REP. YOUNKIN moved that SB 213-GROSFIELD AMENDMENT BE AMENDED. Motion carried 15-4 with Gallus, Gutsche, Williams, and Wyatt voting no.
(Rep. Ahner excused; ill)
Motion: REP. MCGEE moved that SB 213 DO PASS AS AMENDED.
Motion/Vote: REP. NOENNIG moved that SB 213 BE AMENDED, MCGEE MOVED A SUBSTITUTE AMENDMENT. Motion carried 10-9.
Motion/Vote: REP. Anderson moved that SB 213 BE TABLED. Motion carried 13-6 with R. Clark, Curtiss, McGee, Shockley, Soft, and Younkin voting no.
(Rep. Ahner excused; ill)
{Tape : 3; Side : B; Approx. Time Counter : 110 - 478}

EXECUTIVE ACTION ON HB 127

Motion: REP. SHOCKLEY moved HB 127-DO NOT PASS.

EXHIBIT(10)

Motion/Vote: REP. EGGERS moved that SB 213 BE TABLED. Motion carried 11-8.
(this was a voice/hand vote)
(Rep. Ahner excused; ill)

Motion/Vote: REP. FACEY moved that HB 481 DO PASS.
Motion/Vote: REP. ANDERSON moved that HB 481 BE TABLED. Motion carried 16-2 with McGee and Molnar voting no.
(Rep. Ahner excused; ill, Rep. Gallus absent)
{Tape : 3; Side : A; Approx. Time Counter : 202 - 292}

EXECUTIVE ACTION ON HB 482

Motion/Vote: REP. SHOCKLEY moved that HB 482 DO PASS. Motion carried 16-3 with Curtiss, Jore, and Younkin voting no.
(Rep. Ahner excused; ill) (Rep. Gallus had proxy in)
{Tape : 3; Side : A; Approx. Time Counter : 292 - 383}

EXECUTIVE ACTION ON HB 492

Motion: REP. YOUNKIN moved that HB 492 DO PASS.
Motion/Vote: REP. MOLNAR moved that HB 492 BE TABLED. Motion failed 10-10.
Motion: REP. SHOCKLEY moved that HB 492 BE AMENDED. HB 492 WAS AMENDED. Motion/Vote: REP. ANDERSON moved that HB 492 BE TABLED. Motion failed 5-14 with Clark, Clark, Curtiss, Eggers, Facey, Gallus, Gutsche, Hurdle, Kitzenberg, Shockley, Soft, Williams, Younkin and Wyatt voting nay.
(Rep. Ahner excused: ill)(Rep. Gallus had proxy in)Motion: REP. MCGEE moved that HB 492 BE AMENDED. AMENDMENTS CARRIED.
Motion/Vote: REP. SHOCKLEY moved that HB 492 DO PASS AS AMENDED. Motion carried 14-5 with Anderson, Jore, McGee, Molnar, and Noennig voting no.
(Rep. Ahner excused; ill) (Rep. Gallus had proxy)
{Tape : 3; Side : A; Approx. Time Counter : 393 - 550}
{Tape : 3; Side : B; Approx. Time Counter : 0 - 550}

EXECUTIVE ACTION ON HB 459

Motion: REP. CLARK moved that HB 459 DO PASS.
Motion/Vote: REP. CLARK moved that HB 459 BE AMENDED. Motion carried 19-0.
(Rep. Ahner excused; ill)(Rep. Gallus proxy)
Motion/Vote: REP. MCGEE moved that HB 459 DO PASS AS AMENDED. Motion carried 19-0.
{Tape : 4; Side : A; Approx. Time Counter : 0 - 358}

Meeting Adjourned.

SENATE

JUDICIARY

CHAIR: Grosfield, Lorents **VICE CHAIR:** Bishop, Al

MEMBERS:

Bartlett, Sue	Doherty, Steve
Grimes, Duane	Halligan, Mike
Holden, Ric	Jabs, Reiny
McNutt, Walter	

SECRETARY: Croucher, Delila

LEGISLATIVE STAFF: Keintz, Judy

Lane, Valencia

HB 407 SPONSOR: Younkin, Cindy SHORT TITLE: Revise adjudication laws
REFERRED ON: 02/22/1999 HEARD ON: 03/15/1999
TABLED ON: 03/26/1999
FINAL DISPOSITION 04/22/1999 (S) Died in Standing Committee

HB 455 SPONSOR: Soft, Loren SHORT TITLE: Generally revise laws relating to adoption
REFERRED ON: 02/22/1999 HEARD ON: 03/26/1999
EXECUTIVE ACTION: 03/26/1999 Bill Concurred -- VOTE: 7 - 0
FINAL DISPOSITION 04/07/1999 Chapter Number Assigned

HB 459 SPONSOR: Clark, Robert SHORT TITLE: Concealed weapon permit reciprocity with other states
REFERRED ON: 02/22/1999 HEARD ON: 03/18/1999
EXECUTIVE ACTION: 03/26/1999 Bill Concurred as Amended -- VOTE: 6 - 0
FINAL DISPOSITION 04/29/1999 Chapter Number Assigned

HB 482 SPONSOR: Mangan, Jeff SHORT TITLE: Revise laws governing juvenile detention officer training
REFERRED ON: 02/22/1999 HEARD ON: 03/25/1999 (S) Discussed in Committee ON: 03/25/1999
EXECUTIVE ACTION: 03/27/1999 Bill Concurred as Amended -- VOTE: 5 - 1
FINAL DISPOSITION 04/27/1999 Chapter Number Assigned

HB 492 SPONSOR: Harper, Hal SHORT TITLE: Criminalize desecration of a place of worship, cemetery, or public memorial
REFERRED ON: 02/22/1999 HEARD ON: 03/11/1999
EXECUTIVE ACTION: 03/11/1999 Bill Concurred -- VOTE: 7 - 0
FINAL DISPOSITION 03/24/1999 Chapter Number Assigned

HB 516 SPONSOR: Grinde, Larry SHORT TITLE: Interim study on tax-exempt status related to certain public charity enterprises
REFERRED ON: 04/06/1999 HEARD ON: 04/08/1999
EXECUTIVE ACTION: 04/13/1999 Bill Concurred as Amended -- VOTE: 6 - 3
FINAL DISPOSITION 04/15/1999 (S) 3rd Reading Failed; Vote: 11 - 39

HB 527 SPONSOR: Harper, Hal SHORT TITLE: Impose interlock ignition requirement on second or subsequent offense
REFERRED ON: 02/23/1999 HEARD ON: 03/23/1999
EXECUTIVE ACTION: 03/25/1999 Bill Concurred -- VOTE: 7 - 1
FINAL DISPOSITION 04/07/1999 Chapter Number Assigned

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on March 18, 1999 at 9:00 A.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 459, 3/12/1999; HB 566, 3/12/1999; HJR 5, 3/12/1999
Executive Action: None

HEARING ON HB 459

Sponsor: REP. ROBERT CLARK, HD 8, Ryegate

Proponents:

Gary Marbut, MT Shooting Sports Assoc.
Brian Judy, Montana Members of the National Rifle Assoc.

A.M. Elwell, Northwest Arms Collectors
Tom Farrenkopf, Citizens to Preserve the Second Amendment
John Appelt, Citizens to Preserve the Second Amendment
Kim Liles, Citizens to Preserve the Second Amendment
W.C. Hollenbaugh, Self
Leroy Patterson, Self
Frank Brisendine, Self
Mike Wallace, Self, Wallace Custom Grips

Opponents: None

Opening Statement by Sponsor:

REP. ROBERT CLARK, HD 8, Ryegate, said this bill allows for people other than residents of Montana who have a concealed weapon permit to carry a concealed weapon in Montana. Most of these people are law abiding citizens and have gone through more stringent regulations to get a concealed weapon permit than they do in Montana. He said on the bill there is a list of states where the permits would be recognized and they all require background checks.

Proponents' Testimony:

Gary Marbut, MT Shooting Sports Assoc., said in 1995 they set up a process for the Governor to have authority to negotiate reciprocity with other states. The bill required the Governor to set up an advisory council to advise the Governor on concealed weapon permit reciprocity. He said they spent about two years working on strategies for developing concealed weapon reciprocity with other states. He said there are about 12 states that would be recognized if this bill was passed. Montana residents would receive immediate reciprocity with about a dozen other states. People want to be able to use their concealed weapons in other states so they can provide themselves some protection. Rape, robbery, assault, etc. goes down if people are able to provide for their own personal protection. The most cost effective thing this state can do is to allow other states reciprocity and people to protect themselves, rather than building more prisons, hiring more police officers, etc. He read a quote from "More Guns, Less Crime."

Brian Judy, Montana Members of the National Rifle Assoc., said over the last 12 years on the state level there has been the move to impose laws on the states that would allow law abiding citizens to provide a means of self defense. Studies show that when law abiding citizens carry firearms, crime goes down. People who carry concealed weapons are less of a crime threat than the majority of the population. This bill would allow law abiding

citizens from other states to carry a weapon, with their permit, while they are in the state of Montana. Self defense should not stop at a border and there are a number of states that already allow Montanans to carry a concealed weapon, but there would be a lot more that would allow them to carry as soon as this law is passed.

{Tape : 1; Side : A; Approx. Time Counter : 9:16 a.m.}

A.M. Elwell, Northwest Arms Collectors, said there are 5600 permits issued in this state and they are some of Montana's finest citizens. They have gone through the background checks and have the best record of any licenced group of people in the state. He said only 19 of those 5600 permits have been revoked. He said when people cross a state line they don't grow fangs that are three feet long and drool and there is no reason why they shouldn't recognize this law.

Tom Farrenkopf, Citizens to Preserve the Second Amendment, rose in support of this bill.

John Appelt, Citizens to Preserve the Second Amendment, said it is only fair and just that other people be allowed to protect themselves in Montana as Montanans in turn should be able to protect themselves in other states. Responsible people should not have an impediment to the preservation of their personal safety.

Kim Liles, Citizens to Reserve the Second Amendment, said self protection is important.

W.C. Hollenbaugh, Self, said he has a concealed weapon permit and has never fired a shot in anger.

Leroy Patterson, Self, said he would like to have the opportunity to protect himself and would like to be able to carry a firearm when he travels.

Frank Brisendine, Self, said he travels a lot with his business and he would like to have the right to carry his weapon when he travels.

Mike Wallace, Self, Wallace Custom Grips, said when he travels it is nice to know that he can carry a weapon to protect himself in other states. He said he lived in Canada for 20 years and there is quite a difference living in a country where they cannot protect themselves because of gun control laws.

{Tape : 1; Side : A; Approx. Time Counter : 9:27 a.m.}

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. STEVE DOHERTY asked if by listing the states will they have to come back each session and make changes in their statutes. **REP. CLARK** said this is not a big problem. If another state or numerous states decide to join, it would not be a big problem to add them legislatively or administratively.

SEN. DOHERTY said what if they drop the list and let the Attorney General or the Governor decide. **REP. CLARK** said this would not take care of the problem. The advantage to having the list is if a law enforcement officer is out there and he stops a vehicle and they have a concealed weapon permit that officer can call his dispatch and all they have to do is look at the list to see if they qualify. If they don't have that list it will be more difficult to find this information.

SEN. DOHERTY said they will have this information if they give them the initial list. Mechanically, lets set it up to where they don't have to keep revisiting this. **Gary Marbut** said the list is there for law enforcement so it is easy for them to deal with this issue. He said they came up with a list of 17 criterias that are similar to other states. He said he researched the laws of other states to compare with Montana's. It is almost an impossible job to determine what other state's laws are similar to Montana's law according to this list of 17 criteria. There are no other states that have laws that are similar to Montana's. Everyone agreed that a background check should be done amongst the states. He said he likes the idea of starting with a fixed list.

SEN. DOHERTY asked who decided that these states should be on this list and are similar to Montana's. **Gary Marbut** said these states all do criminal background checks before they issue permits. The Second Amendment Foundation and the NRA have both studied this and he compared his list to these two organizations and they were identical.

SEN. DOHERTY asked if any law enforcement agency looked at these states and determined if their laws are good enough to match Montana's. **Gary Marbut** said for two years they have had a committee working on SB 186 to revise laws on concealed weapon permits and this included the law enforcement agencies and they also discussed reciprocity.

CHAIRMAN GROSFIELD asked if the Governor's office and Attorney General's office would comment on the last question. **Judy**

Browning, Governor's office, said over the last 3 or 4 years they have discussed reciprocity. She said they received a researched list from Gary Marbut on the states and the types of requirements they had. If a law was passed like this, perhaps it would be better to leave out the list of states and let the Attorney General or law enforcement entity keep the list up to date. **Mike Batista, Department of Justice**, said they haven't looked at the list to see if those states require a background check. There has to be some mechanism to keep the list updated for local law enforcement either legislatively or administratively.

CHAIRMAN GROSFIELD said on page 2, line 15-17 it talks about criminal background checks, but it doesn't say what they do with it. It doesn't say if they have to have a clean check to get the permit. He asked what are the criteria? **Mike Batista** said this is addressed in other areas of the law, he said if they had a felony conviction they could not get the permit. **Gary Marbut** said the most restrictive part to getting a firearm is a person has to be eligible to hold a firearm under federal law. A person cannot get a concealed weapon permit if they don't meet the standards of the Federal Law.

SEN. RIC HOLDEN asked on page 2, line 25-26, what are they trying to do with this language. **Gary Marbut** said in the states it is up to some government official to proceed to the next step, this often does not get done because they are not interested in this issue.

CHAIRMAN GROSFIELD said it talks about a "Montana entity", but it doesn't say anything about a local government entity. He asked if "Montana entity" meant only state. **Valencia Lane** said it could be read either way.

CHAIRMAN GROSFIELD asked if they mean only a state entity. **Gary Marbut** said once the Legislature passes this bill and the Governor signs it, it won't require any further participation by anyone for it to become effective.

SEN. HOLDEN said his first impression of that language is they were going to have government involved in it after the statute was passed. **REP. CLARK** said it could be either state or local.

SEN. SUE BARTLETT said in the concealed weapon permit law, the sheriff shall conduct a criminal record and background check and do they need to conform to each other. **Mike Batista** said no, because they are both used to determine if someone should be allowed to get a permit. The information is difficult to obtain and law enforcement usually make their determination on a criminal history check.

SEN. BARTLETT asked if a criminal background check is commonly used language and well understood across the state by law enforcement. **Mike Batista** said criminal history check is more commonly used than a background check.

SEN. BARTLETT asked if they made it criminal history check would this work. **REP. CLARK** said background checks is a universal language and it is already addressed.

SEN. MIKE HALLIGAN asked if someone has a permit revoked is it physically taken back or is there a change in the computer. **Mike Batista** said it is both.

SEN. HALLIGAN asked if this is a standard among other states. **Mike Batista** said he didn't know for sure. **Gary Marbut** said most states probably do it like Montana in that there is physical possession of the permit and noting it in the state records. However, there are very few that are revoked, most of them are ones that have deceased.

CHAIRMAN GROSFIELD read lines 23 and 24, on page 2, and asked if law enforcement in all states have to have a concealed weapon permit to carry a concealed weapon or does this exclude law enforcement from having to carry a permit when they are in another state. **REP. CLARK** said most states do not require law enforcement officers to have a permit.

CHAIRMAN GROSFIELD said this language reads that a law enforcement person can't carry in Montana without a Montana permit. **REP. CLARK** said in the state of Vermont they don't require a permit for anybody. Therefore, they would not be able to carry a concealed weapon in Montana because they don't issue permits.

CHAIRMAN GROSFIELD asked why this bill keeps the advisory council in place. **Gary Marbut** said this was a request of law enforcement and they would provide council for consideration of all concealed weapon permits issued in Montana.

CHAIRMAN GROSFIELD asked if the council is funded by the General Fund. **Gary Marbut** said it is unfunded. He said if they wanted to include law enforcement from other states that don't have a permit, all they would have to do is insert "except for sworn law enforcement officers".

Closing by Sponsor:

REP. CLARK said a person, regardless of where they are from, must have that permit in their possession. If that permit is not a picture I.D. they cannot carry a weapon in the State of Montana. The advisory council may be a source of information for law enforcement or for the Legislature as to changes that are being made.

{Tape : 1; Side : B; Approx. Time Counter : 9:55 a.m.}

HEARING ON HB 566

Sponsor: REP. MATT BRAINARD, HD 62, Missoula

Proponents:

REP. BOB CLARK, HD 8, Ryegate
Gary Marbut, MT Shooting Sports Assoc.
Brian Judy, Montana Members of the National Rifle Assoc.
A.M. Elwell, Northwest Arms Collectors
Tom Farrenkopf, Citizens to Preserve the Second Amendment
John Appelt, Citizens to Preserve the Second Amendment
Kim Liles, Citizens to Preserve the Second Amendment
W.C. Hollenbaugh, Self
Leroy Patterson, Self
Frank Brisendine, Self
Mike Wallace, Wallace Custom Grips

Opponents: None

Opening Statement by Sponsor:

REP. MATT BRAINARD, HD 62, Missoula, said on page 2 this language deals with a way for the state to assist citizens in dealing with the national instant check system. He handed out some information on the Federal Registry. **EXHIBIT(1)** He said he wanted citizens of this state to have a permanent means of being able to purchase a weapon without having to go through the instant check every time they purchase a weapon. He said if a person goes to buy a gun they have to go through the instant check. He said if that person decides the next day to take the gun back because something is wrong with it, etc. they have to go through the instant check again. This is a waste of time when the individual has just been there. Section 2 deals with the right to sue firearms or ammunition manufacturers. He passed out a newspaper article from New York concerning this. **EXHIBIT(2)** He also passed out an article called "Freedom disappearing for Freedom Arms".

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on March 25, 1999 at 8:21 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 54, 3/19/1999; HB 59, 3/19/1999; HB 482, 3/19/1999; HB 185, 3/19/1999
Executive Action: HB 339; HB 459; HB 566

EXECUTIVE ACTION ON HB 459

Discussion:

Valencia Lane explained the amendments for **HB 459. EXHIBIT(1)**

Motion/Vote: **SEN. HOLDEN** moved **AMENDMENTS HB045901.avl. Motion carried 6-0.**

Motion/Vote: **SEN. DOHERTY** moved **HB 459 BE CONCURRED IN AS AMENDED. Motion carried 6-0.**

{Tape : 1; Side : A; Approx. Time Counter : 8:30 a.m.}

EXECUTIVE ACTION ON HB 269

Discussion:

Chuck Hunter, Department of Public Health and Human Services, said they originally opposed the bill in the House. He said in the original draft there was a lack of clarity and there was the potential for advocates to interfere with the conduct of their investigations. He said they developed a number of amendments which limited the advocates ability to get between social workers and the work that they needed to do. These amendments were adopted by the House. He said there is a lack of trust in social workers and in this division and the work that they do. Many view social workers as child snatchers who are controlling and have too much power. The advocacy bill brings some method of dealing with that by allowing someone neutral to observe this process as they go along in the investigation stage. He said there are some situations where they have custodial issues. He said if a mom and a dad are fighting over custody at the same time the children are being neglected or abused, they have to deal with that. He said he does believe that if multiple advocates were appointed, the judge would be in the position of hearing a number of perspectives and would sort through all of those things and make the best decision on behalf of the child. He said in the final analysis if they take this bill at its face value, to allow families to have someone come in and help them, then it is a good bill. But if they have mean spirited advocates then there could be problems with this bill.

CHAIRMAN GROSFIELD asked if the bill provides for training or certification of these advocates. **Chuck Hunter** said there is nothing in the bill that guarantees any kind of knowledge or special background in helping with these situations. He said their proposal was to have the court appoint counsel for these families. However, this idea was rejected as too expensive, etc. But they would like to see competent people providing these services. He said one avenue is, they do have the citizen review boards, and they do provide basic training for these people and advocates could be tied into this training.